REMARKS

A. INTRODUCTION

Claims 1-27 are pending and rejected.

Upon entry of this Amendment:

- The Specification will be amended to update priority information

B. SECTION 103(A) REJECTIONS

Claims 1-27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Graves (U.S. Patent No. 5,830,067), and further in view of Rodesch et al. (U.S. Patent No. 4,099,722) and Kelly et al. (U.S. Patent No. 5,816,918). We respectfully traverse the Examiner's Section 103(a) rejection.

1. Request for Telephone Interview

Applicants respectfully request a telephone interview to discuss the pending claims and the cited references, and in particular the arguments provided below. Please contact the undersigned to arrange an interview at the Examiner's convenience.

2. Claims 1-23

Contrary to the Examiner's finding, Rodesch does not describe *automated play of at least one slot machine*, as generally recited in each of independent Claims 1 and 23. To the contrary, the only type of play described in Rodesch requires that a user initiate each spin. See Summary of the Invention ("The invention is directed to a reel-type slot machine comprising a user-actuated spin switch for providing a play command…."). Rodesch describes reels being caused to rotate by a motor, but that process can only be initiated by a user manually issuing a "play command." That is manual play, and the opposite of *automated play of a slot machine*.

In addition, nothing in either Rodesch, Kelly or Graves remotely hints at automated play of a slot machine. Particularly, even if the asserted motivations to combine the subject matter of the cited references were supported by evidence (which they are not), no combination of the references would teach or suggest *initiating automated play of at least one slot machine*. There is no mention in Graves of slot machines, or play of any specific games mentioned (i.e., bingo and blackjack) via a slot machine, and there is nothing in Rodesch or Kelly that suggests automated play of any type of game. Nothing in Graves hints that the Proxy Player Machine could be or even could comprise a slot machine. Although Graves does describe a Proxy Player Machine that receives information from a

bingo ball drawing system, both Graves and Rodesch are devoid of any hint that the Proxy Player Machine could receive information from a slot machine or receive information about a slot machine game. As neither Graves nor Rodesch even hints at such a use of a slot machine with the Proxy Player Machine, much less enable how the Proxy Player Machine would be operable to interact with any slot machine, no combination of the cited references teaches or suggests automated play of a slot machine. Accordingly, the Examiner cannot have established a prima facie case of obviousness of any of Claims 1-23.

Further, the Examiner admits that Graves does not teach either "the specific method of initiating gaming sessions, as recited in claim 1" or "the specific method of operating gaming sessions utilizing cameras, as recited in claim 23," and does not assert that any of the other references teach such subject matter. [Office Action, pages 3, 5]. Nonetheless, the Examiner then merely concludes it would have been obvious to have initiated gaming sessions in the manner claimed / utilizing camera technology for the purpose of "regulating game play."

Applicants do not know what this conclusory statement by the Examiner means. For instance, is the Examiner referring to "regulating" in the sense that games of chance may be regulated by a state authority? Applicants respectfully request clarification of what the Examiner means by "regulating game play."

Regardless, the Examiner has conceded that none of the cited references teach the subject matter at issue, and the Examiner has not otherwise provided any evidence that such features were known, much less why it would have been obvious to provide for such features if they were known. The Examiner does not articulate any explanation of how any general concern for "regulating game play" (whatever that may mean) would have led one of only ordinary skill in the art to adopt the "specific method of initiating gaming sessions" recited in Claims 1 and 23. Accordingly, the Examiner cannot have established a prima facie case of obviousness of any of Claims 1-23.

The Examiner also asserts that it would have been obvious "to incorporate Rodesch's disclosure of an electronic slot machine and automated play for the purpose of creating a period of anticipation." [Office Action, page 3]. As explained above, the Examiner appears to have misinterpreted *automated play of a slot machine*. Further, the Examiner does not cite any evidence in support of this asserted motivation. None of the cited Graves, Rodesch, or Kelly references appear to hint that such a "period of anticipation" would be desirable (the Examiner does not make any specific citation), nor does the Examiner make any finding (or support such a finding with any evidence) that such a motivation would have been known to one of only ordinary skill in the art at the time of invention of

the claimed subject matter. In summary, there is no support in the record for the Examiner's finding that "creating a period of anticipation" was an apparent and obvious reason to provide for all of the subject matter of any pending claim. Further, none of the cited references teaches or suggests a reason to modify a slot machine to allow for any type of automated play, or suggests modifying the Graves Player Proxy Machine to comprise or even communicate with a slot machine. Accordingly, the Examiner cannot have established a prima facie case of obviousness of any of Claims 1-23.

Further with respect to Claim 2, nothing in Graves (or the other cited references) suggests *locking data*. The Examiner does not suggest otherwise. Accordingly, the Examiner cannot have established a prima facie case of obviousness of Claim 2.

Further with respect to Claim 3, none of the cited references suggests a slot machine that is not operable for manual play. In particular, the slot machine of Rodesch is only available for manual play. Accordingly, the Examiner cannot have established a prima facie case of obviousness of Claim 3.

Further with respect to Claim 4, none of the cited references suggests a slot machine that is not accessible to any player. In particular, the slot machine of Rodesch is always physically accessible by a player in order to initiate a play. Accordingly, the Examiner cannot have established a prima facie case of obviousness of Claim 4.

Further with respect to Claims 15-17, Kelly describes use of a video camera of a game unit 50 "to allow a player to input data from various sources…." Column 14, lines 27-33. Nothing in Kelly (or the other cited references), however, teaches or suggests *receiving from a camera a first signal including a representation of automated play*, as generally recited in Claim 15, or *in which the camera is operable to view the automated play of a slot machine*, as generally recited in Claim 16. Accordingly, the Examiner cannot have established a prima facie case of obviousness of any of Claims 15-17.

3. Claims 24-27

With respect to Claims 24-27, the Examiner concedes that Graves does not teach or suggest "the specific method of operating gaming sessions as recited in claim 24." Nonetheless, the Examiner concludes that it would have been obvious to provide for all of the subject matter of Claims 24-27 for "convenient player tracking." Again, Applicants do not know what the Examiner means with this conclusory statement. Further, nothing in Graves discussion of "accounting subsystems" (or the other cited references) teaches or suggests storing a first amount of funds for providing a session of play for a remote play in a repository,

checking out the amount of funds, and checking in a second amount of funds that is based on a session of play. The Examiner does not assert otherwise. Regardless, the Examiner has conceded that none of the cited references teach the subject matter at issue, and the Examiner has not otherwise provided any evidence that such features were known, much less why it would have been obvious to provide for such features if they were known. The Examiner does not articulate any explanation of how any general concern for "convenient player tracking" (whatever that may mean) would have led one of only ordinary skill in the art to adopt the recited method of providing a session of play of a slot machine for a remote player by storing, checking out, and checking in amounts of funds, as generally recited in independent Claim 24. Accordingly, the Examiner cannot have established a prima facie case of obviousness of any of Claims 24-27.

Further with respect to Claim 27, none of the cited references suggests determining whether a first difference (between the first amount and the second amount) is equal to a second difference (between an amount won and an amount lost). Accordingly, the Examiner cannot have established a prima facie case of obviousness of Claim 27.

C. ADDITIONAL COMMENTS

Our silence with respect to the Examiner's other various assertions not explicitly addressed in this paper, including assertions of what the cited reference(s) teach or suggest, the Examiner's interpretation of claimed subject matter or the Specification, or the propriety of any asserted combination(s) of teachings, is not to be understood as agreement with the Examiner. As the Examiner has not established an unrebuttable prima facie case for rejecting any of the claims as pending, for at least the reasons stated in this paper, we need not address all of the Examiner's assertions at this time. Also, the absence of arguments for patentability other than those presented in this paper should not be construed as either a disclaimer of such arguments or as an indication that such arguments are not believed to be meritorious.

D. PETITION FOR EXTENSION OF TIME TO RESPOND & AUTHORIZATION TO CHARGE APPROPRIATE FEES

We understand that a three-month extension of time to respond to the Office Action is necessary.

Please grant a petition for extension of time required to make this Response timely. Please also charge any other appropriate fees set forth in 37 C.F.R. §§ 1.16 – 1.18 for this paper and for any accompanying papers to:

Charge: $1050.00

Deposit Account: 50-0271

Order No.: 01-052

Please credit any overpayment to the same account.

E. CONCLUSION

It is submitted that all of the claims are in condition for allowance. The Examiner's consideration is respectfully requested.

If the Examiner has any questions regarding this paper or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@walkerdigital.com.

Respectfully submitted,

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Date

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